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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 836

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

INSURANCE REGULATION

FILED: 04/27/2026 2:42 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amendment to 2027 standard bronze and silver health benefit plans

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/02/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:

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350 Winter St NE

Salem, OR 97301

Filed By:

Karen Winkel

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/26/2026

TIME: 1:30 PM

OFFICER: Ethan Baldwin

IN-PERSON HEARING DETAILS

ADDRESS: Labor & Industries Building, 350 Winter St NE, Basement, Conf Rm E, Salem, OR 97301

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 644927783

SPECIAL INSTRUCTIONS:

This is a hybrid meeting conducted in person and virtually via Microsoft Teams:

Meeting ID: 285 014 357 101 85

Passcode: 4Md69T43

Note: Public comments are public records and may be made publicly available.

NEED FOR THE RULE(S):

ORS 743B.130 requires the Department of Consumer and Business Services (DCBS) to prescribe by rule the form, level of coverage, and benefit design for bronze and silver health benefit plans that must be offered by insurance carriers. These plans must meet federal requirements issued by the Department of Health and Human Services (HHS). Each year, HHS updates the actuarial value (AV) calculator used for determining coverage levels. Changes may include costs, plan designs, populations, developments in the function and operation of the AV calculator and other actuarially relevant factors. DCBS provides exhibits to the standard bronze and silver plans, in rule, that prescribe the benefits the plans must provide.

The changes made by HHS this year require DCBS to reduce certain benefits on the standard bronze and silver plans, to bring the plans into AV compliance.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Draft rules are available from Karen Winkel, Rules Coordinator, Division of Financial Regulation located at 350 Winter St. NE, Salem, OR 97301 and are available on the division's website:

<https://dfr.oregon.gov/laws-rules/Pages/proposed-rules.aspx>

The 2027 AV Calculator Methodology is available at:

<https://www.cms.gov/files/document/final-2027-av-calculator-methodology.pdf>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The proposed changes to the rules will impact Oregon insurance companies and consumers who buy health benefit plans in this state. It is unlikely to impact one group of people differently than others because consumers have the choice to purchase different health benefit plans. Further, existing state and federal regulations prohibit discrimination in the sale and utilization of health benefits plans.

FISCAL AND ECONOMIC IMPACT:

This amended rule updates the Oregon standard bronze and silver plans for plan years beginning on and after January 1, 2027. The amended rule does not contain new requirements. There will likely be a fiscal impact to consumers who purchased the standard bronze or silver plan in 2026 and purchase the same plan again 2027 as the newly selected plans will have a decrease in certain benefits. However, there is no data available to demonstrate what that impact would be.

The fiscal impacts to insurers could have a small increase in administrative costs resulting from insurers needing to update plan language. Because insurers are already required to adjust plan language to conform to current requirements, the fiscal impact is not solely resulting from adoption of these rules. Inclusion of clearer language providing clear guidance to insurers may help offset any increased administrative costs.

The plans selected are an updated version of the current standard bronze and silver plans.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Based on information currently available to DCBS, the proposed rule would not have a fiscal or economic impact on state agencies, local government units, nor the public.

The proposed rules apply to commercial payers only and would require minimal administrative effort to comply with the requirements of proposed rules. The insurers would already be required to adjust plan language to conform to current requirements, so this cost is not solely resulting from adoption of these rules. Inclusion of clearer language providing guidance to insurers may help offset any increased administrative cost.

Also, because members of the public may or may not choose a standard bronze or silver plan, we are unable to quantify any potential fiscal impact on individual members of the public may experience in price differentials between plans.

Based on the information currently available to DCBS, the proposed rule does not have an economic impact on the general public beyond the underlying statutory requirements.

(2)(a) Based on financial filings made to DFR, no health insurers meet the definition of a small business under ORS 183.310, because no health insurer is independently owned and operated.

(2)(b) The expected costs are minimal for the proposed rules as they apply to commercial payers only and would require minimal administrative effort to comply with the requirements of proposed rules. The insurers would already be required to adjust plan language to conform to current requirements, so this cost is not solely resulting from adoption of these rules. Inclusion of clearer language providing guidance to insurers may help offset any increased administrative cost.

(2)(c) The expected costs are minimal for the proposed rules as they apply to commercial payers only and would require minimal administrative effort to comply with the requirements of proposed rules. The insurers would already be required to adjust plan language to conform to current requirements, so this cost is not solely resulting from adoption of these rules. Inclusion of clearer language providing guidance to insurers may help offset any increased administrative cost.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Members of organizations representing small businesses were invited and participated in the advisory committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 836-053-0013

RULE SUMMARY: Update Standard Silver Plans.

CHANGES TO RULE:

836-053-0013

Oregon Standard Bronze and Silver Health Benefit Plans ¶¶

(1) This rule applies to plan years beginning on and after January 1, 2017.¶¶

(2) As used in this rule, "coverage" includes medically necessary benefits, services, prescription drugs and medical devices. "Coverage" does not include coinsurance, copayments, deductibles, other cost sharing, provider networks, out-of-network coverage, or administrative functions related to the provision of coverage, such as eligibility and medical necessity determinations.¶¶

(3) For purposes of coverage required under this rule:¶¶

(a) "Inpatient" includes but is not limited to:¶¶

(A) Inpatient surgery;¶¶

(B) Intensive care unit, neonatal intensive care unit, maternity and skilled nursing facility services; and¶¶

(C) Mental health and substance abuse treatment.¶¶

(b) "Outpatient" includes but is not limited to services received from ambulatory surgery centers and physician and anesthesia services and benefits when applicable.¶¶

(c) A reference to a specific version of a code or manual, including but not limited to references to ICD-10, CPT, Diagnostic and Statistical Manual of Mental Disorders, (DSM-5), Fifth Edition; place of service and diagnosis includes a reference to a code with equivalent coverage under the most recent version of the code or manual.¶¶

(4) When offering a plan required under ORS 743B.130, an insurer must:¶¶

(a) Use the following naming convention: "[Name of Insurer] Standard [Bronze/HSA/Silver] Plan." The name of insurer may be shortened to an easily identifiable acronym that is commonly used by the insurer in consumer facing publications.¶¶

(b) Include a service area or network identifier in the plan name if the plan is not offered on a statewide basis with a statewide network.¶¶

(5) Coverage required under ORS 743B.130 must be provided in accordance with the requirements of sections (6) to (11) of this rule.¶¶

(6) Coverage must be provided in a manner consistent with the requirements of:¶¶

(a) 45 CFR 156, except that actuarial substitution of coverage within an essential health benefits category is prohibited;¶¶

(b) OAR 836-053-1404, 836-053-1405, 836-053-1407 and 836-053-1408; ¶¶

(c) The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, 29 U.S.C. 1185a and implementing regulations at 45 CFR 146.136 and 147.160; and¶¶

(d) For plan years beginning on or after January 1, 2019, Chapter 721, Oregon Laws 2017 (Enrolled House Bill 3391). ¶¶

(7) Coverage must provide essential health benefits as defined in OAR 836-053-0012.¶¶

(8) Except when a specific benefit exclusion applies, or a claim fails to satisfy the insurer's definition of medical necessity or fails to meet other issuer requirements the following coverage must be provided:¶¶

(a) Ambulatory services;¶¶

(b) Emergency services;¶¶

(c) Hospitalization services;¶¶

(d) Maternity and newborn services;¶¶

(e) Rehabilitation and habilitation services including:¶¶

(A) Professional physical therapy services;¶¶

(B) Professional occupational therapy;¶¶

(C) Physical therapy performed by an occupational therapist; and¶¶

(D) Professional speech therapy;¶¶

(f) Laboratory services;¶¶

(g) All grade A and B United States Preventive Services Task Force preventive services, Bright Futures recommended medical screenings for children, Institute of Medicine recommended women's guidelines, and Advisory Committee on Immunization Practices recommended immunizations for children coverage must be provided without cost share; and¶¶

(h)(A) Prescription drug coverage at the greater of:¶¶

(i) At least one drug in every United States Pharmacopeia (USP) category and class as the prescription drug coverage of the plan described in OAR 836-053-0012(2); or¶¶

(ii) The same number of prescription drugs in each category and class as the prescription drug coverage of the plan described in OAR 836-053-0012(2).¶¶

(B) Insurers must submit the formulary drug list for review and approval. The formulary drug list must comply with filing requirements posted on the Department of Consumer and Business Services website.¶¶

(C) For plan years beginning on or after January 1, 2017 insurers must use a pharmacy and therapeutics committee that complies with the standards set forth in 45 CFR 156.122.¶¶

- (9) Copays and coinsurance for coverage required under ORS 743B.130 must comply with the following:¶¶
- (a) Non-specialist copays apply to physical therapy, speech therapy, occupational therapy and vision services when these services are provided in connection with an office visit.¶¶
 - (b) Subject to the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, 29 U.S.C. 1185a, specialist copays apply to specialty providers including mental health and substance abuse providers, if and when such providers act in a specialist capacity as determined under the terms of the health benefit plan.¶¶
 - (c) Coinsurance for emergency room coverage must be waived if a patient is admitted, at which time the inpatient coinsurance applies.¶¶
- (10) Deductibles for coverage required under ORS 743B.130 must comply with the following:¶¶
- (a) For a bronze plan, in accordance with the coinsurance, copayment and deductible amounts and coverage requirements for a bronze plan set forth in the cost-sharing matrix as adopted in Exhibit 1 to this rule.¶¶
 - (b) For a silver plan, in accordance with the coinsurance, copayment and deductible amounts and coverage requirements for a silver plan set forth in the cost-sharing matrix as adopted in Exhibit 2 to this rule.¶¶
 - (c) The individual deductible applies to all enrollees, and the family deductible applies when multiple family members incur claims.¶¶
- (11) Dollar limits for coverage required under ORS 743B.130 must comply with the following:¶¶
- (a) Annual dollar limits must be converted to a non-dollar actuarial equivalent.¶¶
 - (b) Lifetime dollar limits must be converted to a non-dollar actuarial equivalent.
- Statutory/Other Authority: ORS 731.244, 45 CFR 156.135(g)
Statutes/Other Implemented: ORS 743B.130

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 836-053-0013.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:
<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=335061>